IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.14229 of 2006

Between:

M/s.Dhanalakshi Dall Producers,
Narsaraopet, Guntur District.

..... PETITIONER

AND

1.Commercial Tax Officer,
Prakashnagar, Narsaraopet, Guntur District and 4 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.14229 of 2006

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

Pending appeal, the petitioner filed an application before the fourth respondent-Joint Commissioner seeking stay of the recovery. The stay application was rejected on 01-03-2006. Against this order, the petitioner filed an appeal before the

Tribunal and it is pending. In the meantime, he filed this Writ Petition before this Court.

The order of rejection of stay passed by the fourth respondent-Joint Commissioner is the subject matter of the appeal before the Tribunal and also the subject matter of this Writ Petition. The petitioner cannot pursue two remedies at the same time against the same cause of action and as such, the Writ Petition is not maintainable.

The Writ petition is misconceived and it is, accordingly, dismissed. The Tribunal may dispose of the appeal expeditiously. No costs.

(Bilal Nazki, J)

10th April, 2007

(Nooty Ramamohana Rao, J)

LUR